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COMMISSION ON HUMAN RIGHTS - GENEVA 1992
EAST TIMOR

Report by Judy Gunson

In the wake of the Dili massacre and given the Portuguese presidency of the European Community it seemed that there was a good chance for a resolution on East Timor at the 48th Session of the Commission on Human Rights. As it turned out, East Timor did have a very high profile at this years Commission and featured in speeches by many countries (including the Holy See) and many Non-Governmental Organisations. Three East Timorese experienced in lobby work at the UN level, Jose Ramos-Horta, Jose Luis Guterres and Mari Alkatiri were present, two of them (Horta and Guterres) for the entire Commission. The International Commission of Jurists spoke at length on East Timor and released its report on the Indonesian Enquiry's preliminary findings at the Commission. Three eyewitnesses to the Dili massacre were present at the Commission both to give testimony and to lobby delegations on the resolution. Yorkshire Television footage of the massacre was screened in a meeting room opposite the Commission and was widely advertised to delegations. Delegations were kept up-to-date by frequent press releases and distribution of information.

However, as is old news by now, the proposed resolution which seemed to stand such a good chance of success came to nothing and the Consensus Statement by the Chairman which replaced it is regarded as politically weak. I have put down as much as I have understood of the sequence of events at the Commission in the hope that it might provide some insight into what happened there. I have also attached copies of many statements made about East Timor at the Commission and copies of the draft resolution as tabled and the Consensus Statement as read.

By the end of the first week of the Commission, a draft resolution had been prepared by the Timorese and was being circulated to supporters for comments. The general view was that it was a very strongly-worded

resolution which would not be acceptable to some countries but which could be used as a bargaining position.

During the second week Portugal presented a slightly altered version of the draft to the European Community at one of their closed meetings used to discuss and prioritise issues at the Commission. At this stage Portugal was stating clearly that whether or not the EC co-sponsored the resolution, Portugal itself would sponsor it and present it to the Commission.

In fact, by the third week of the Commission the EC had agreed to co-sponsor the strongly worded resolution and lobbying work was able to begin with those countries who had been waiting to see the wording of the resolution before committing themselves. By the time the resolution was tabled and printed, 28 countries had co-sponsored (another 2 countries decided to co-sponsor after this, Switzerland and Brazil?, making 30 co-sponsors in all, including 6 from Africa and 3 from Latin America. Only 12 of the co-sponsors were members with voting rights.)

The Australian delegation were very actively lobbying co-sponsors about aspects of the wording which concerned them, particularly the preambular paragraph: "Recalling relevant United Nations resolutions concerning East Timor" and the operative paragraph no.8 which spoke of the Secretary-General's mandate to explore "avenues for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese...".

Australia was not successful in its bid to challenge the wording of the resolution and, with Japan, Canada and the US, began to exert great pressure on Portugal to negotiate with Indonesia for a consensus statement. A consensus statement by the Chairman is considered as politically weak. Even a strongly worded consensus statement (and there are limits to the strength of wording allowed e.g. the word "condemn" cannot be used in a consensus statement) does not have the same force as a resolution because there is no vote. It was therefore very surprising and shocking to the Timorese at the Commission to be informed by Portugal that it had agreed to negotiate with Indonesia on a consensus statement, even though the resolution was gaining support and looking like it had a good chance of success.

The Timorese accused Portugal of making a grave tactical mistake. Portugal was claiming that its demands at the negotiating table would be so great that Indonesia would never agree, a consensus would not be reached and the

resolution would be re-proposed in the light of failed negotiations. The Timorese believed that Portugal had fallen into a trap and that Indonesia would in the end agree to a consensus, even if the wording was quite strong, in order to prevent the resolution from coming before the Commission for a vote.

Soon after negotiations had commenced, several experienced observers suggested that if Portugal could not negotiate on the wording of a resolution, at least it could be negotiating for a consensus Decision which is perceived to be stronger and more binding than a consensus Statement. So Portugal began to negotiate on such terms and in its reports to the Timorese seemed to be feeling confident of a consensus being reached on a Decision of the Commission. Even the Timorese were beginning to feel that perhaps a consensus Decision might be a desirable result.

At the very end, during the final moments of negotiation, Indonesia claimed that it had never understood anything about a Decision, that it had been tricked. Australia was at this stage very active in spreading the story that there had never been any discussion of a consensus Decision (although an Australian delegate who was saying this refused to allow journalists to quote his statement). Finally, amidst great confusion among the Timor lobby the consensus Statement by the Chairman was read aloud in the Commission, after which members of the Indonesian delegation were seen being congratulated.

The next day, the Portuguese were speaking of success while the Timorese were angry and disappointed.

One of the most serious problems faced by the parties working towards a resolution at the Commission would seem to be that of communication. The differing perceptions of the result expressed by Portugal and the Timorese indicate an enormous gap in understanding. The Portuguese, while willing to participate actively in the lobby for the resolution, were unwilling to respond to Timorese perceptions that to negotiate was a fatal error. According to the Timorese at the Commission, Portugal acted too much in isolation, not asking or heeding the advice of others experienced in the Commission's operation, nor respecting the expressed wishes or opinions of the Timorese at the Commission.

Attachments to this report include copies of resolution as tabled, Chairman's statement, and relevant interv... and reports.